

## REMARKS

### Interview Summary

Applicant wishes to thank Examiner Marcus Menezes for his time and effort during a telephone conversation with Applicant's attorneys Thomas C. Feix and Ann M. Lee, on December 5, 2006. During the conversation, the following items were discussed: the Office Action dated September 6, 2006; U.S. Patent No. 5,189,764 to Herrington et al.; U.S. Patent No. 5,956,815 to O'Connor et al. and possible additional claim limitations which are included in this Response.

### The Pending Claims

Currently pending are claims 108-167. Claims 108-167 generally correspond to original claims 1-87. Pending claims 108-167 are drawn to a closure device, classified in class 24 and previously elected by Applicant for prosecution on the merits. Claims 1-107 are cancelled without prejudice by this amendment.

### Summary of the Amendments

This amendment reverses the two previously filed amendments. Applicant has made significant amendments to the claims based on the indication of allowable subject matter contained in the Examiner's previous two Office Actions (i.e., the Office Actions dated March 14, 2006 and July 14, 2006). But for the indication of allowable subject matter, Applicant would not have made those amendments at that time. Thus, Applicant wishes to prosecute a set of claims based on the claims originally presented in light of the prior art currently cited by the Examiner.

Applicant has added claim limitations to more clearly define the location of the protrusion (i.e., adjacent the top portion of the fastening strip) and the location of the notch on the slider (i.e., in the intermediate body portion of the slider). Additionally, Applicant has added claim language to more clearly define that the interaction of the notch with the protrusion involves a pair of spaced apart contact surfaces on either the notch or protrusion which interact with and wedgingly engage respective contact portions on the other of either the notch or protrusion to further obstruct movement of the slider beyond the first end.

Applicant submits that these additions to the claims are fully supported by the original specification and add no new matter. For example, page 11, line 29 to page 12, line 1; page 14, line 21 to page 15, line 6; page 17, lines 27-33; and Figures 1-15.

Summary of the Office Actions

In the Office Actions dated March 14, 2006 and July 14, 2006, the Examiner rejected the claims under 35 U.S.C. 102(b) as being anticipated or in the alternative under 35 U.S.C. 103 as being obvious in view of US Patent No. 5,189,764 to Herrington et al. (hereinafter “Herrington”).

In the Office Action dated September 6, 2006, the Examiner rejected the claims under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,956,815 to O’Connor et al. (hereinafter “O’Connor”). Applicant respectfully submits for the record that O’Connor is not a proper 102(b) reference, but rather it is a proper 102(e) reference. Applicant claims priority to a PCT filing on June 10, 1999. O’Connor did not issue until September 28, 1999. However, O’Connor has a filing date of May 19, 1997 which makes it a proper 102(e) reference.

Discussion of the Prior Art Rejections

Applicant submits that significant structural differences exist between Applicant’s claims and Herrington. Applicant’s claims recite that a notch is formed in the intermediate portion of the slider and that a protrusion is formed adjacent a top portion of a first end of an interlocking fastening strip. Herrington, on the other hand, discloses a slider having a notch formed in the bottom portion of the sidewalls of the slider and a protrusion that is formed below the closure portions of a first end of an interlocking fastening strip. Thus, Applicant believes that the claim limitations clarifying the location of the notch and protrusion obviate the rejections based on Herrington.

Applicant respectfully submits that the claim limitations presented herein obviate the rejections based on O’Connor. Applicant’s claims recite that “at least one of said notch or said protrusion having a pair of spaced apart contact surfaces which interact with and wedgingly engage respective contact portions of the other of said notch or protrusion.” O’Connor, as indicated by the Examiner in the Office Action dated

September 6, 2006, discloses a notch in the intermediate portion of a slider member and a protrusion formed at the first end of one of the interlocking fastening strips. However, it is submitted the contact between the notch and the protrusion disclosed in O'Connor is a point to point contact which is both structurally and functionally different than the wedging engagement claimed by Applicant.

The notch in the O'Connor slider is relatively wide with respect to the upright protrusion that forms the end stop. Because of this dimensional difference and the resulting way the protrusion collides with and interfaces with the back wall of the notch, removal of the slider only necessitates a force that causes the protrusion to fold over upon itself. The notch in O'Connor does not enhance the amount of force necessary to pull the slider off the fastening strips. The force necessary would be the same as if no notch were present. In other words, O'Connor does not disclose wedging engagement.

By making the notch similar in size to the width of the upright protrusion, Applicant's claim a notch that collides and interfaces with a protrusion in such a way that the notch actually captures the protrusion. If enough force is applied, the wedging engagement of the notch as claimed by Applicant causes the protrusion to shear rather than fold over upon itself. Thus, the wedging engagement enhances the amount of force necessary to pull the slider off the fastening strips.

Applicant acknowledges that the specific function of enhancing the pull force required to remove the slider from the fastening strips is not claimed. However, Applicant respectfully submits that this functional difference provides worthwhile insight into why the structural differences recited in Applicant's claims (i.e., the pair of spaced apart contact surfaces on either the notch or the protrusion which interact and provide wedging engagement with respective contact portions of the other of said notch or protrusion) distinguish patentability over O'Connor.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that the application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney. An early and favorable consideration of this Response is earnestly and respectfully solicited.

In the unlikely event that the Patent Office determines that an extension and/or other relief is required as a result of this response, Applicant petitions for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due to Deposit Account No. 03-2270. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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